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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/661,334

09/13/2000

William S. Herz

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7863

7590

05/06/2004

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EXAMINER

CHEVALIER, ROBERT

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 05/06/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/661,334

Applicant(s)

HERZ, WILLIAM S.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/26/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5-6</u> . | 6) <input type="checkbox"/> Other: ____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8-9, 11, are rejected under 35 U.S.C. 102(e) as being anticipated by Barton et al.

Barton et al discloses a video recording/reproducing apparatus that shows all the limitations recited in claim 1, including the feature of the plurality of analog and digital interfaces for providing from various sources inputs in various formats and providing to various outputs input in a plurality of formats (See Barton et al's Figure 2, components 201-204, and 206-209), the feature of storing the data through a disk processor on the disk drive under the control of the powered microprocessor (See Barton et al's Figure 1, where it is shown the capability of storing on the disk 105 the data processed through component 102, under the control of the microprocessor 106), and the feature of providing data mobility for data drawn from a plurality of sources to a plurality of destinations as specified in the present claim 1. (Barton et al's column 4, lines 15-19).

With regard to claim 2, the feature of the user defining the source of the data and/or the destination of the data through input controls of the microprocessor as

specified thereof would be present in Barton et al. (See the last five lines shown in Barton et al's abstract, and furthermore, see Barton et al's column 2, lines 1-3).

With regard to claim 3, the feature of the docking device associated with the second high capacity disk drive so as to store data in the hard disk drive as specified thereof would be present in Barton et al. (See Barton et al's Figure 13, 1307, and column 12, lines 15-20).

With regard to claim 4, the feature of transferring data from the shuttle hard disk drive to the docking station hard disk drive under the control of a disk processor as specified thereof would be present in Barton et al. (See the capability of transferring data from the disk medium 1305 to the disk medium 1307 as shown in Barton et al's Figure 13).

With regard to claims 8, and 11, the feature of the disk processor controlling the bus running to the hard disk drive in the data shuttle and providing appropriate file management, bus arbitration, content management and stream management function on the data to be stored on the local hard disk drive so that the stored data can be selectively accessed on the disk drive as specified thereof is present in Barton et al. (Applicant's attention is directed to Barton et al's Figure 1, components 102, 106, and 105, and further, see Barton et al's Figure 7, component 701, and the corresponding disclosure).

With regard to claim 9, the feature of the MPEG-2 encoder and data packetizer supplying data to the disk processor and receiving input from audio and video input sources so data can be stored and accessed on the hard disk drive as specified thereof

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is present in Barton et al. (See Barton et al's Figure 7, components 702-704, 701, and 710).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton et al in view of Official Notice.

Barton et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 5-7, including the feature of the data shuttle having a hard disk drive for recording data inputted from various sources in various formats as specified in the present claims 5-7. (See Barton et al's Figure 2).

Barton et al fails to specifically disclose the feature of the data shuttle and hard disk device having its own power supply that is rechargeable so that the device remains fully portable and independent of any permanent connection as specified in the present claims 5-7.

Examiner takes Official Notice in that it is notoriously well known in the video recording/reproducing art to have a data disk storage device including its own power supply that is rechargeable so that the device remains fully portable and independent of any permanent connection as specified in the present claims 5-7.

Therefore, it would have been obvious to one skilled in the art to modify the Barton et al's video recording/reproducing apparatus wherein the data shuttle disk storage device provided thereof would incorporate therein its own power supply that is rechargeable so that the device remains fully portable and independent of any permanent connection in the same conventional manner as is shown in the prior art. Examiner has taken Official Notice. The motivation being to make it more convenient for the user to move the apparatus around at any desired time as suggested in the prior art.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barton et al in view of Official Notice.

Barton et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claim 10, including the feature of the plurality of input means for inputting digital data into the system as specified in present claim 10. (See Barton et al's Figure 2, components 201-204).

Although, Barton et al discloses the capability of inputting into the system digital signals from a plurality of input means, however, Barton et al fails to specifically disclose the feature of the USB bus, a 1394 bus, and the ATA bus connected so that inputs from a digital data accessory can be stored and accessed directly over these buses as specified in the present claim 10.

Examiner takes Official Notice in that it is notoriously well known in the video/audio recording/reproducing art wherein the input means of a video/audio recording/reproducing apparatus would include the capability of inputting into the apparatus digital signals from a plurality of input means, and wherein said plurality of

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inputting means would include the USB bus, a 1394 bus, and the ATA bus connected thereto so that inputs from a digital data accessory can be stored and accessed directly over these buses as specified in the present claim 10.

It would have been obvious to one skilled in the art to modify the Barton et al's video recording/reproducing apparatus wherein the plurality of digital input means provided thereof would incorporate the USB bus, a 1394 bus, and the ATA bus connected thereto so that inputs from a digital data accessory can be stored and accessed directly over these buses in the same conventional manner as is shown in the video recording/reproducing art. Examiner has taken Official Notice. The motivation being to be able to input digital data from a computer, for example, at any desired time as suggested in the prior art, thereby increase the efficiency of the apparatus.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier  
May 1, 2004.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER